

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**TEXAS DEMOCRATIC PARTY,
GILBERTO HINOJOSA, Chair of the
Texas Democratic Party, JOSEPH DANIEL
CASCINO, SHANDRA MARIE SANSING,
and BRENDA LI GARCIA,**

Plaintiffs,

V.

**GREG ABBOTT, Governor of Texas,
RUTH HUGHS, Texas Secretary of
State, DANA DEBEAUVOIR, Travis
County Clerk, JACQUELYN F.
CALLANEN, Bexar County Elections
Administrator, and KEN PAXTON,
Texas Attorney General,**

Defendants.

CIVIL ACTION NO. SA-20-CA-438-FB

**ORDER SETTING HEARING ON PLAINTIFFS' REQUEST
FOR PRELIMINARY INJUNCTION**

Before the Court is a request by plaintiffs for preliminary injunction seeking a finding that fear of COVID-19 renders voters under sixty-five disabled and therefore eligible to vote by mail. Plaintiffs also request that Texas Attorney General Ken Paxton and the other defendants be enjoined from threatening voters or voter groups with criminal or civil sanction for helping lawful voters to vote by mail.

Plaintiffs assert a hearing is necessary soon because the deadline to request vote by mail ballots relative to the July 14 Democratic Party runoff election is July 2, 2020. While the Court will set a hearing date, the practical time reality is that, even if plaintiffs were to prevail, a stay of this Court's ruling and the appeal thereof would likely go beyond the mail ballot request deadline.


Nevertheless, a hearing is set for **Friday, May 15, 2020, at 9 a.m.**, in Courtroom 2 of the John H. Wood. Jr. United States Courthouse, 655 East César E. Chávez Boulevard, San Antonio, Texas, 78206, subject to the following COVID-19 restrictions:

- A. Only one lawyer and one support staff will advocate for each side. There is no necessity for the parties or their representative to appear.
- B. Evidence will be presented by affidavit or transcripts of sworn testimony which was subject to cross examination unless otherwise allowed by the Court.
- C. No more than four members of the press shall be admitted to the hearing on a first come first served basis. They shall be expected to share their reportorial information with their media colleagues.
- D. The public will not be allowed to attend in person. To give due respect to our tradition of open courts and the public's right to know, the Court will try to provide audio live streaming through the Court's website at www.txwd.uscourts.gov.
- E. Social distancing will be observed. Masks are required except for attorneys when they are speaking.

The Clerk of this Court is DIRECTED to send a copy of this Order by certified mail return receipt requested to The Honorable Greg Abbott, Governor of the State of Texas; The Honorable Ken Paxton, Texas Attorney General; The Honorable Ruth Hughes, Texas Secretary of State; The Honorable Dana Debeauvoir, Travis County Clerk; and Bexar County Elections Administrator Jacquelyn F. Callanen.

It is so ORDERED.

SIGNED this 3rd day of May, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE